

Request For writ of Habeas Corpus

To: the Clerk of the court
Re: To inquire into cause of
detention Rule 5.303

FILED - GR

November 24, 2021 12:48 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: JW / 11-24

From: Vincent R. Canada

Re: Two material witness No
bond charges without the due
process of law.

Case No: Never received one
original case No: 21-00991-EH

1:21-cv-998

Robert J. Jonker - Chief U.S. District Judge
Ray Kent - Magistrate Judge

November 19th 2021

Illegally detained citizen, in violations
of 4th 5th 8th & 14th amendment rights.
without access to the proper legal counsel
or legal aid at most party jail.

Rule 3.303

ex parte, complaint under M.C.R. 3.303 Habeas corpus to inquire into Cause of Detention in accordance with rule 6.106 and in direct violation of my 4th 5th 8th and 14th constitutional rights.

this complaint is filed and prepared on the behalf of Vincent Rayshawn Canada who is restrained of his liberty since 1-26-21 Mr Canada is a black male, 5'6 with brown eyes and short hair. Mr Canada is being held in Kent County Jail without a right to bail / bail hearing, or detention hearing, pertaining to two material witness charges. The action for a Habeas corpus on behalf of an illegally detained American citizen is not prohibited. The illegal detention is in direct violation of U.S.C.A. 3144 Release or detention of a material witness. Because Mr Canada was properly served a subpoena and testified at the preliminary examination on 1-28-21 which in itself showed the willingness to cooperate to the best of his knowledge. And in direct violation of U.S.C.A 3142 Release or detention of a defendant pending trial that Mr Canada be released at the least on personal recognizance 2) Released on conditions or combination of conditions M.C.L.A. 767.35 Sec 35. Material witness; recognizance: commitment, when it appears to a court or the record that a person is a material witness, in a criminal case pending in a court in the

county and that there is a danger of the loss
 of testimony of the witness unless the witness
 furnishes bail or is committed if he or she
 fails to furnish bail, the court shall require
 the witness to be brought before the court. After
 giving the witness an opportunity to be heard
 ect.... the 17 circuit court at Grand Rapids
 has flat out violated Mr Canada's 4th 8th and
 14th constitutional rights, which according to
 constitutional law, and U.S.C.A. 3144 & 3142 and
 M.C.L.A. 767.35 Mr Canada should have been given
 the opportunity to be heard by a Judge within
 a reasonable amount of time, before being
 deprived of his liberties [ENR RE Lowellyn, 1895]
 or at the least been able to post a reasonable
 bond [ex parte Rankins 4-3-1951] and in accordance
 with the Bail Reform Act. the testimony of Mr
 Canada on 1-28-21 shows his willingness to
 recognize, coupled with Mr Canada being a
 forty five, year old resident of Grand Rapids
 much for 45 years of his life, should have been
 more than enough to guarantee his attendance.
 There is absolutely no reason, to deprive Mr. Canada
 of his liberties, or to violate his 4th admin.
 constitutional law or due process and violate
 the Bail Reform Act 18 U.S.C. sec 3142 (B) 3142,
 M.C.L.A. 767.35 the right to be heard and given
 due process of law, and the right to bail

to at least explain to the courts, why Mr. Canada should not be held in a contempt of court style order of detention, for an unreasonable amount of time. Mr Canada ask this court to Remedy Mr. Canada in this matter in accordance with his 4th 5th 8th and 14th amendment rights and in line with the ruling in [Ex parte Crzyshowark Mich 1879 267 Mich. 697, 255 N.W 359 Mich 1934,] [IN RE Lewellyn 1895] The petitioner must be discharged, we have no doubt the power of the proper court to detain witnesses upon a proper showing, but such showing in all cases be made and the witness given a hearing and opportunity to be heard, before commitment to refute the showing made by affidavit. It is never the less the duty of all courts to prevent good or bad citizens from being unlawfully and unreasonably molested. I ask to be immediately released on my own recognizance to appear as a witness at the trial. And I ask the courts to expedite the process because Mr. Canada has been already detained for an unreasonable amount of time.

Sincerely
Vincent Canada

11/1/21

11-17-21

NAME: Vincent Canada
KENT COUNTY CORRECTIONAL FACILITY
703 BALL AVENUE N.E.
GRAND RAPIDS, MI 49503

GRAND RAPIDS MI 493

22 NOV 2021 PM 1 L



Clerk of the Court
U.S. Dist. Court, Western Dist. of Mich.
110 Michigan St
Grand Rapids Mich
49503

sent out
11-19-21

49503-230099

